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FAX

Date

04/18/2008

Τo

Chief Clerk, BPAI

Of

**USPTO Board of Patent Appeals & Interferences** 

Fax

(571) 273-0052

From

Scott H. Davison

Subject

Notification of Withdrawal of Appeal of 09/422,387 through RCE Filing

Our Ref

Q105533

USPTO Appl. No.

09/422,387

**Pages** 

4

(including cover sheet)

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Dear Chief Clerk,

Please find the attached letter confirming withdrawal of the appeal for US Appl. No. 09/422,387 by filing of an RCE on 4/18/2008. The RCE Transmittal, as filed, is attached for your reference.

Best regards,

Scott Davison Reg. No. 52,800 (619) 238-3545 Apr 18 2008 16:35



Scott H. Davison T 619.238.3545 ext. 316 sdavison@sughrue.com

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**BOARD OF PATENT APPEALS AND INTERFERENCES** 

April 18, 2008 **VIA FACSIMILE** 571-273-0052

Board of Patent Appeals and Interferences United States Patent & Trademark Office P. O. Box 1450 Alexandria, Virginia 22313-1450

In re application of Moshe Zilbertstein et al.

Appeal No. 2008-2559

Moshe ZILBERSTEIN, et al.

Atty Docket No: Q105533

Appln. No.: 09/422,387

Group Art Unit: 2151

Confirmation No.: 5469

Examiner: DINH, KHANH Q

Filed: October 21, 1999

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Dear Chief Clerk:

Pursuant to MPEP §1215.01, a Request for Continued Examination was filed in the referenced case on April 18, 2008, to effectively withdraw this application from appeal. The RCE Transmittal is attached for your reference.

Very truly yours,

Scott H. Davison Reg. No. 52,800

**Enclosure** /kh

Apr 18 2008 16:35

Doc code: RCEX Doc description: Request for Continued Examination (RCE) PTO/SB/30EFS (03/08)

N. Approved for use through 04/20/2008. OMB 0651-0031
Request for Continued Examination (RCE)
U.S. Patent and Tradémark Office; U.S. DEPARTMENT OF COMMERCE
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	REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL (Submitted Only via EFS-Web)										
	plication mber	09422387	Filing Date	1999-10-21	Docket Number (if applicable)	Q105533	Art Unit	2151			
First Named Inventor		Moshe ZiLBERSTEIN		Examiner Name	DINH, KHANH Q						
Re	This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.  Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV										
	SUBMISSION REQUIRED UNDER 37 CFR 1.114										
in v	Note. If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).										
	Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.										
	Consider the arguments in the Appeal Brief or Reply Brief previously filed on										
E-	Other										
X		nendment/Reply									
		ormation Disclosu	ıre Statemer	nt (IDS)							
		idavit(s)/ Declara									
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	<u></u> □ 01	her 									
				MIS	CELLANEOUS						
	Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months  (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)										
	Other										
<u> </u>	FEES										
×	The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 194880										
	SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED										
[>	Patent Practitioner Signature										
	Applicant Signature										
L											

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (03/08)
Approved for use through 04/30/2009. OMB 0651-0031

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	Signature of Registered U.S. Patent Practitioner					
Signature	/Scott H. Davison/	Date (YYYY-MM-DD)	2008-04-18			
Name	Scott H. Davison	Registration Number	52800			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.